

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 GENE PAUL WHEATON,

11 Plaintiff,

No. CIV S-04-1503 DFL DAD P

12 vs.

13 C. KING, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action  
17 seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate  
18 Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On September 29, 2005, the magistrate judge filed findings and recommendations  
20 herein which were served on plaintiff and which contained notice to plaintiff that any objections  
21 to the findings and recommendations were to be filed within twenty days. Plaintiff has not filed  
22 objections to the findings and recommendations.


23 The court has reviewed the file and finds the findings and recommendations to be  
24 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY  
25 ORDERED that:

26 /////

1                   1. The findings and recommendations filed September 29, 2005, are adopted in  
2 full; and

3                   2. This action is dismissed without prejudice. See Local Rule 11-110; Fed. R.  
4 Civ. P. 41(b).

5 DATED: 12/14/2005

6  
7  
8   
9 \_\_\_\_\_  
10 DAVID F. LEVI  
11 United States District Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26